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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA, )

12 Plaintiff, )

13 vs. )

14 JAMES E. MULVANEY, )

15 Defendant. )

09-CR-00015-EFS-07

Motion for Detention Hearing

02/08/13

With Oral Argument: 1:30 p.m.

16 The United States moves for pretrial detention of Defendant, pursuant to  
17 18 U.S.C. § 3142(e) and (f).

18 1. Eligibility of Case. This case is eligible for a detention order  
19 because the case involves:

- 20 ☐ Crime of violence (as defined in 18 U.S.C. § 3156(a)(4) which
- 21 includes any felony under Chapter 109A, 110 and 117),
- 22 ☐ Maximum penalty of life imprisonment or death,
- 23 ☐ Drug offense with maximum penalty of 10 years or more,
- 24 ☐ Felony, with two prior convictions in above categories,
- 25 ☐ Felony that involves a minor victim or that involves the
- 26 possession or use of a firearm or destructive device (as those
- 27 terms are defined in section 921), or any other dangerous
- 28 weapon, or involves a failure to register under 18 U.S.C.
- section 2250,
- ☒ Serious risk Defendant will flee, or
- ☒ Serious risk obstruction of justice.

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2. Reason For Detention. The Court should detain Defendant because there is no condition or combination of conditions which will reasonably assure:

- ☒ Defendant's appearance as required, or
- ☒ Safety of any other person and the community.

3. Rebuttable Presumption. The United States will not invoke the rebuttable presumption against Defendant under Section 3142(e). The presumption applies because there is probable cause to believe Defendant committed:

- ☐ Drug offense with maximum penalty of 10 years or more,
- ☐ 18 U.S.C. § 924(c) firearms offense, or
- ☐ Kidnaping, sexual crimes, or child pornography offenses.

4. Time For Detention Hearing. The United States requests the Court conduct the detention hearing:

- ☐ At the first appearance, or
- ☒ After a continuance of three days.

5. Other Matters.

☐

DATED February 7, 2013.

Michael C. Ormsby  
United States Attorney

s/Russell E. Smoot

Russell E. Smoot  
Assistant United States Attorney

1 I hereby certify that on February 7, 2013, I electronically filed the  
2 foregoing with the Clerk of the Court using the CM/ECF System.

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4  
5 s/Russell E. Smoot

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7 Russell E. Smoot

8 Assistant United States Attorney  
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